

Assembly Bill No. 2746

CHAPTER 504

An act to add and repeal Division 37 (commencing with Section 72300) to the Public Resources Code, relating to water.

[Approved by Governor September 17, 2000. Filed
with Secretary of State September 19, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2746, Nakano. Large passenger vessels: water quality.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board is the principal state agency with primary authority over water quality matters. Under the act, the board prescribes waste discharge requirements for the discharge of waste into the waters of the state.

This bill would, until July 1, 2003, create the Cruise Ship Environmental Task Force, to be convened by the California Environmental Protection Agency, comprised of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The bill would authorize the California Environmental Protection Agency to request the participation of the United States Coast Guard as a member of the task force.

The bill would, until July 1, 2003, require the task force to gather reports and manifests of waste released and offloaded by large passenger vessels, as defined. The bill would require owners and operators of large passenger vessels to submit reports of releases of graywater or sewage not later than 10 days from the close of a calendar quarter in which the vessel has operated in the marine waters of the state to the State Water Resources Control Board. The bill would require the State Air Resources Board to measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels.

The people of the State of California do enact as follows:

SECTION 1. Division 37 (commencing with Section 72300) is added to the Public Resources Code, to read:

DIVISION 37. LARGE PASSENGER VESSELS PROGRAM

CHAPTER 1. DEFINITIONS

72300. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division:

(a) “Air contaminant” has the meaning set forth in Section 39013 of the Health and Safety Code.

(b) “Calendar quarter” or “quarter” means the three-month periods ending March 31, June 30, September 30, and December 31.

(c) “Emission” means a release of an air contaminant into the atmosphere.

(d) “Graywater” means drainage from dishwasher, shower, laundry, bath, and wash basin drains, but does not include drainage from toilets, urinals, hospitals, and cargo spaces.

(e) “Hazardous waste” has the meaning set forth in Section 25117 of the Health and Safety Code.

(f) “Large passenger vessel” or “vessel” means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.

(g) “Marine waters of the state” means “coastal waters” as defined by Section 13181 of the Water Code.

(h) “Medical waste” means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(i) “Offloading” means the removal of waste onto or into a controlled storage, processing, or disposal facility or treatment works.

(j) “Oil” has the meaning set forth in Section 8750.

(k) “Operator” has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(l) “Owner” has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(m) “Release” means discharging or disposing of wastes into the environment.

(n) “Sewage” has the meaning set forth in Section 775.5 of the Harbors and Navigation Code, and also includes material that has been collected or treated through a marine sanitation device as that term is used in paragraph (5) of subsection (a) of Section 1322 of Title 33 of the United States Code.

(o) “Solid waste” has the meaning set forth in Section 40191.

(p) “Waste” means an air contaminant, graywater, sewage, solid waste other than hazardous waste, including incinerator residue and medical waste, hazardous waste, or oily waste.

CHAPTER 2. LARGE PASSENGER VESSELS

72301. (a) The Cruise Ship Environmental Task Force is hereby created to evaluate environmental practices and waste streams of large passenger vessels. The task force shall be convened by the California Environmental Protection Agency, and shall consist of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The California Environmental Protection Agency shall request the United States Coast Guard to participate as a member of the task force. The task force may also consult with the Office of Environmental Health Hazard Assessment and shall establish a process for receiving comments from the public and the cruise ship industry on matters to be considered by the task force.

(b) The purpose of the task force is to gather information necessary for the preparation of the report required by Section 72304.

(1) The task force shall gather reports and manifests of waste released and offloaded that are submitted by large passenger vessels to state entities under state and federal law.

(2) As requested by the task force, owners or operators of large passenger vessels agree to submit copied excerpts of records and manifests, including oil record books, garbage record books, engine room log books, or other records of waste released or offloaded after January 1, 2001, from the vessels in California.

(3) To the extent permitted by state and federal law, the task force may request an owner or operator to submit supplemental or additional information.

(c) This section does not relieve an owner or operator from complying with any other reporting requirement imposed pursuant to any other state or federal law.

72302. The owner or operator of a vessel, not later than 10 days from the close of a calendar quarter in which the owner or operator has operated, or caused to be operated, a vessel in the marine waters of the state, shall submit to the State Water Resources Control Board a report of any release of graywater or sewage that occurred during the previous calendar quarter while the vessel was located in the marine waters of the state, to the extent that these releases can be reasonably quantified.

72303. The State Air Resources Board shall measure and record the opacity of visible emissions, excluding condensed water vapor, of

a representative sample of large passenger vessels while at berth or at anchor in a port of this state.

72304. The California Environmental Protection Agency shall utilize the information gathered by the task force and prepare and submit a report to the Legislature, on or before June 1, 2003, that includes all of the following information:

(a) A summary review of environmental rules, regulations, reports, reporting procedures, and mechanisms for the management of waste applicable to large passenger vessels based on international, federal, and state law.

(b) A review and analysis of information contained in any report submitted to any state or federal entity by the owner or operator of a large passenger vessel related to the matters subject to this division, as well as reports and other records submitted to the task force under this division.

(c) Identification of areas of concern that may not be covered by existing reporting requirements that should be included in federal or state reporting requirements.

(d) Identification of mechanisms to better coordinate the activities of the various state and federal agencies that regulate the operation of large passenger vessels.

(e) Observations regarding the potential impacts of reported quantities and characteristics of releases of waste on water quality, the marine environment, and human health, taking into consideration applicable water quality standards, and an evaluation of the air contaminant emissions on air quality and human health, taking into consideration applicable air quality standards.

(f) Recommendations to the Coast Guard and state agencies, as appropriate, to address any areas where additional regulations or reporting may be appropriate.

72305. This division shall remain in effect only until July 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2003, deletes or extends that date.